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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,032	09/30/2003	Scott Ternovits	010394-9071-00	5406

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EXAMINER

DAVIS, CASSANDRA HOPE


ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

JE

 Office Action Summary	Application No.	Applicant(s)	
	10/675,032	TERNOVITS ET AL.	
	Examiner	Art Unit	
	Cassandra Davis	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 12, 17, 18, 31, 33, 34 and 42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 6-16, 19-21, 23-25, 27-30, 32, 35-37, 39-41 and 43 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 5, 22 and 38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 12, 17, 18, 31, 33, 34, and 42 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on November 12, 2005.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4, 6, 7, 8, 10, 11, 13, 15, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Arguin et al., U. S. Patent 5,890,603.

4. With respect to claim 1, Arguin teaches a frame engageable with the display board 10 comprising a first projection defining a first and second projection defining a first and second surface positioned to face one another, wherein the first and second surfaces define a gap 14 dimensioned to receive and hold a sheet 16.

5. With respect to claim 4, Arguin teaches the body comprising an aperture (not labeled) dimensioned to receive at least a portion of the display board 10. (See figure 4)

6. With respect to claim 6, Arguin teaches the first projection is shorter than the second projection. (See figure 2A).

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7. With respect to claim 7, Arguin teaches the body 12 of the frame defines a longitudinal direction and a transverse direction substantially perpendicular to the longitudinal direction, and wherein the gap 14 comprises a shape that changes in the transverse direction. (See figure 2I).

8. With respect to claim 8, Arguin teaches the body 12 of frame defines a longitudinal direction, and wherein the gap 14 is defined by at least one longitudinally-extending groove and at least one longitudinally-extending protrusion. (See figure 2A, 2B, 2H, 2D).

9. With respect to claim 10, Arguin teaches one protrusion has a generally curved cross-section. (See figures 2B and 2H).

10. With respect to claim 11, Arguin teaches the gap 14 comprises a generally U-shaped cross-section.

11. With respect to claim 13, Arguin teaches the gap, in cross-section, comprises a first curve in a first direction and a second curve in a second direction, the second direction being different from the first direction. (See figure 2B and 2E).

12. With respect to claim 14, Arguin teaches the gap 14, in cross-section, goes through a first distance in a first direction and a second distance in a second direction, the second direction being different from the first direction. (See figure 2A, 2B, 2D, 2E, and 2I).

13. With respect to claim 15, Arguin teaches the gap 14, in cross-section, comprises a first portion of increasing thickness, a second portion of decreasing thickness, and a third portion of increasing thickness. (See figure 2H).

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14. With respect to claim 16, Arguin teaches the first surface is substantially parallel to the second surface. (See figure 2).

15. Claims 19, 20, 25, 27, 29, are rejected under 35 U.S.C. 102(b) as being anticipated by Baudino, U. S. Patent 5,743,414.

16. With respect to claim 19, Baudino teaches a display board 11 and a frame 23 coupled to the display board, the frame defining a gap 34 dimensioned to receive and hold a sheet.

17. With respect to claim 20, Baudino teaches the display board 11 comprises at least one of a dry erase board. (See column 3, line 60).

18. With respect to claim 25, Baudino teaches the frame 23 includes a body comprising a first portion 32 and a second portion 33, the first and second portions being engageable through 26 at one end of the body and separated by the gap 34 at an opposite end of the body.

19. With respect to claim 27, Baudino teaches the frame 23 comprising an aperture, and wherein at least a portion of the display board is positioned in the aperture. (See figure 1).

20. With respect to claim 29, Baudino teaches the frame defining a longitudinal direction, and wherein the gap is defined by at least one longitudinally-extending groove and at least one longitudinally-extending protrusion. (See figure 3).

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baudino, U. S. Patent 5,743,414 in view of Meccia et al., U. S. Patent 6,767,591. Meccia teaches a dry erase board with a UV coating. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the to provide the dry erase board taught by Baudino with a UV coating as taught by Meccia to enhance the durability of the board.

23. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arguin. Since Arguin does not disclose that a protrusion with a triangular cross-section solves any stated problem or is for any particular purpose, it appear that a protrusion with a round cross-section as taught by Arguin would perform equally well in receiving and retaining a sheet.

24. Claims 23, 24, 28, 30, 32, 35-37, 39-41 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baudino in view of Arguin et al.

25. With respect to claim 35-37, 39-41 and 43, as stated above, Baudino teaches a frame surrounding a dry erase board, wherein the frame has a first portion 32 and a second portion 33 defining a gap therebetween. Baudino does not teach the gap adapted to hold a sheet. Arguin teaches a frame surround a support such as a computer monitor, wherein the frame has a first portion and a second portion defining a gap, wherein the gap is adapted to hold a sheet 16. It would have been obvious to one having ordinary skill in the art to surround the dry erase board taught by Baudino with at

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he frame taught by Arguin to provide a means to hold sheet as an additional display device.

26. With respect to claim 23, Arguin teaches a first surface with a protrusion and a second surface with a groove. (See figures 2A, 2B, and 2H).

27. With respect to claims 24, 30, and 41, Arguin teaches the first and second surface parallel. (See figure 2).

28. With respect to claim 28, Arguin teaches a gap with a first thick portion, a second thin portion, and a third thick portion. (See figure 2H).

29. With respect to claim 32, Arguin teaches the gap 14, in cross-section, goes through a first distance in a first direction and a second distance in a second direction, the second direction being different from the first direction. (See figure 2A, 2B, 2D, 2E, and 2I).

Allowable Subject Matter

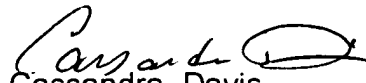
30. Claims 2, 3, 5, 22, 26 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 703-308-2223. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Cassandra Davis
Primary Examiner
Art Unit 3611

CD
February 4, 2005